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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,900	12/26/2001	Douglas M. Fieldhouse	CSZ 303	8315
23581	7590	01/25/2005	EXAMINER	
KOLISCH HARTWELL, P.C. 520 S.W. YAMHILL STREET SUITE 200 PORTLAND, OR 97204			BARNIE, REXFORD N	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/032,900	FIELDHOUSE ET AL.	
	Examiner	Art Unit	
	REXFORD N BARNIE	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 16 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

R. Barnie
REXFORD BARNIE
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-15, 17 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Suryanarayana et al. (US Pat# 6,487,401).

Regarding claim 1, Suryanarayana teaches a wireless telephone device having an associated stored-value account (prepaid account), the wireless device comprising:

a selector (see cols. 4-6 and figs. 6-8);

a communication program configured to communicate with a recharge service via a communication network (see figs.)

a recharge option selectable by a user upon actuation of the selector, the recharge option being configured to cause the communication program to initiate a recharge transaction with the recharge service via the communication network, in order to add calling units to the stored-value calling account in (see figs., cols. 4-7)

Regarding claims 2-9, Suryanarayana teaches the claimed subject matter in (see cols. 3-4, col. 7).

Regarding claims 10-13, Suryanarayana teaches the claimed subject matter in (see cols. 3-4, col. 7).

Regarding claims 14, 15, 17 and 20, Suryanarayana teaches the claimed subject matter in (see figs. 6-8, cols. 4-6).

Regarding claim 54, Suryanarayana teaches a method for use in a wireless telephone service having a display, the method comprising:

detecting that a calling balance of a stored value calling account is lower than a predetermined threshold (see col. 5 lines 14-21);
and presenting a recharge option on a display of the device, the recharge option being configured to initiate a recharge transaction, in order to add calling units to the stored value calling account in (see figs.6-8 and disclosure).

Claims 1-7, 10,11, 13-15, 19, 21, 22, 24, 47 and 53 are rejected under 35 U.S.C. 102(e) as being anticipated by Dahm et al. (US Pat# 6,466,783).

Regarding claim 1, Dahm et al. teaches a visual interface to mobile subscriber account services in (see title, figs. 5A-5F and cols. 8 line 60-col. 10)

a selector;

a communication program configured to communicate with a recharge service via a communication network (see figs.)

a recharge option selectable by a user upon actuation of the selector, the recharge option being configured to cause the communication program to initiate a

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recharge transaction with the recharge service via the communication network, in order to add calling units to the stored-value calling account in (see figs.)

Regarding claims 2-7, Dahm teaches the claimed subject matter in (see figs. and col. 10 lines 7-14)

Regarding claims 10, 11, 13, 14, 15, 19, 21 and 22, Dahm teaches the claimed subject matter in (see figs. and col. 8 line 60-col. 11).

Regarding claim 24, Dahm teaches a method of recharging a stored-value calling account in (see figs. 5A-5F, col. 8 line 60-col. 11) comprising:

Installing a recharge option in a wireless terminal device, the recharge option being configured to initiate a recharge transaction, in order to add calling units to a stored-value calling account associated with the wireless telephone device;

displaying the recharge option on the wireless telephone device;

receive a user selection selection of the recharge option;

establishing communication with a recharge service via a communication network and initiating the recharge transaction.

Regarding claim 47, Dahm teaches a pre-paid wireless telephone recharge system in (see figs, figs. 5A-5F, col. 8 line 60-col. 11) comprising:

a recharge server configured to perform a recharge transaction on a stored-value telephone calling account (see figs.); and

a web-enabled wireless telephone device having a recharge option installed thereon which is selectable by a user and can communicate with the recharge server to add minutes.

Regarding claim 53, dahm teaches a wireless telephone device including a user interface having a top menu and recharge option as part of the menu which upon selection is configured to contact a recharge server to add calling units to one's account in (see figs. and disclosure).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahm (US Pat# 6,466,783) or Suryanarayana (US Pat# 6,487,401).

Regarding claims 16 and 18, Neither one of the primary references teaches the claimed subject matter but the examiner takes official notice that it's well known to assign hard keys to features and using voce or speech recognition to activate features.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use or incorporate one and/or both in a telephone as way of activating telephone features in a telephone thus giving a user the ability to activate features suiting the users needs which can be helpful for the disabled.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahm (US Pat# 6,466,783) or Suryanarayana (US Pat# 6,487,401) in view of Justice et al. (US 2003/1074823).

Regarding claim 23, Dahm or Suryanarayana fails to teach the claimed subject matter as taught by Justice who teaches a fraud detection system and method in (see title, fig. 2, fig. 11 and page 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Justice into that of the primary reference thus making it possible to recharge one's account without incurring a charge as an incentive to users.

Claims 25-28, 30-45 and 48-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahm et al. (US Pat# 6,466,783) in view of Suryanarayana (US Pat# 6,487,401).

Regarding claim 25, Dahm teaches displaying a recharge option as part of a menu but fails to teach recharging in response to a low balance warning as taught by Suryanarayana in (see col. 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Suryanarayana into that of Dahm thus making it possible to alert users when an account need to be recharged due to low balance.

Regarding claim 26, The combination including teaches informing a user when the phone is on or being able to access a top menu when the phone is powered on.

Regarding claims 27-28 and 30-32, The combination teaches providing a recharge option as part of a start up menu in (see figs. of Dahm).

Regarding claims 33-35 and 48-49, the combination renders the claimed subject matter obvious in the sense that a telephone manufacturers can configure the phone to work after activating a feature mode either using a single touch or two touches, known in the art. Neither one of the primary references teaches the claimed subject matter but the examiner takes official notice that it's well known to assign hard keys to features and using voce or speech recognition to activate features.

Therefore, it would have been obvious tone of ordinary skill in the art at the time the invention was made to use or incorporate one and/or both in a telephone as way of activating telephone features in a telephone thus giving a user the ability to activate features suiting the users needs which can be helpful for the disabled.

Regarding claims 36-45 and 50-51, The combination teaches being able to send recharge accept or reject message to a web server, interacting with a website, adding units to an accounts, interacting with an IVR, customer service representative and so forth.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahm et al. (US Pat# 6,466,783) in view of Suryanarayana (US Pat# 6,487,401) and further in view of Fisk (US Pat# 6,430,406).

Regarding claim 29, the combination fails to teach using an icon which can be associated with a recharge mode but Fisk teaches a credit information in a mobile phone in (see figs.7-10) wherein an icon can be used to indicate the recharge process

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate any means of alerting a user to a recharge mode as way of recharging an account for subsequent usage of telephone services.

Claims 40, 46 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahm et al. (US Pat# 6,466,783) in view of Suryanarayana (US Pat# 6,487,401) and further in view of Justice et al. (US 2003/0174823).

Regarding claims 40, 46 and 52, The combination fails to teach fraud prevention as taught by Justice in (see title, figs.) when recharging an account by using a toll-free number.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Justice into that of the combination to prevent fraud and incur no charges to recharge an account.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone number is (703)306-2744. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY EXAMINER
REXFORD BARNIE
01/21/04


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